

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DELORIS McGRIFF,

Plaintiff,

v.

**JOHN E. POTTER,
Postmaster General,
United States Postal Service,**

Defendant.

Civil Action No. 1:05-cv-447-F

DEFENDANT'S MOTION TO DISMISS

COMES NOW Defendant, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves to dismiss this lawsuit pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In support of this Motion, Defendant shows that Plaintiff's claims are barred, as a matter of law, due to her failure to timely and fully exhaust her administrative remedies.

A memorandum brief is being filed contemporaneously herewith.

WHEREFORE, Defendant's Motion is due to be and should be granted, this matter should be dismissed with prejudice, and the costs of this litigation taxed to Plaintiff.

Respectfully submitted this 9th day of August, 2005.

LEURA G. CANARY
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Motion to Dismiss upon Plaintiff at her address of record, 3487 Ed Tolar Road, Pansey, Alabama 36370, by mailing a copy of same, first class, postage prepaid, on this 9th day of August, 2005.

s/James J. DuBois
Assistant United States Attorney